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LEGISLATIVE HISTORY

Public Law 87-10  
S. 1028

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INDEX AND SUMMARY OF S. 1028

- Feb. 21, 1961 Rep. Cooley introduced H. R. 4662 which was referred to the House Agriculture Committee.  
Print of bill as introduced.
- Feb. 22, 1961 Sen. Ellender introduced S. 1028 which was referred to the Agriculture and Forestry Committee.  
Print of bill as introduced.
- Mar. 6, 1961 House committee voted to report (but did not actually report) H. R. 4662.
- Mar. 7, 1961 House committee reported H. R. 4662 with amendments. H. Report No. 61. Print of bill and report.
- Mar. 15, 1961 Senate committee ordered S. 1028 reported with amendment.
- Mar. 16, 1961 Senate committee reported S. 1028 with amendment. S. Report No. 74. Print of bill and report.
- Mar. 20, 1961 Senate passed S. 1028 as reported.
- Mar. 21, 1961 House passed S. 1028 without amendment in lieu of H. R. 4662.  
  
H. R. 4662 laid on table due to passage of S. 1028.
- Mar. 29, 1961 Approved: Public Law 87-10.

*Report of the Committee on Education*

The Committee on Education has been organized to consider the question of the best method of providing for the education of the children of the city.

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DIGEST OF PUBLIC LAW 87-10

AMENDMENT TO NEMATOCIDE, PLANT REGULATOR, DEFOLIANT, AND DESICCANT AMENDMENT OF 1959. Authorizes the Secretary of Agriculture to extend beyond March 5, 1961, the time during which certain nematocides, plant regulators, defoliants, and desiccants may be exempt from certain provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, so as to give time for the Pesticide Chemicals Amendment to the Federal Food, Drug, and Cosmetic Act to be made fully applicable to such products.







87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

H. R. 4662

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1961

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture

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**A BILL**

To amend the transitional provisions of the Act approved August 7, 1959, entitled "Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That paragraph (a) of section 3 of the Nematocide, Plant  
4       Regulator, Defoliant, and Desiccant Amendment of 1959  
5       (Public Law 86-139, 73 Stat. 286, 287) is amended by  
6       deleting the comma and the word "or" appearing at the  
7       end of clause (1) and adding at the end of such clause a  
8       colon and the following: "*Provided*, That with respect to  
9       any nematocide, plant regulator, defoliant, or desiccant whose  
10      use results in residue remaining in or on a food at the time

1 of introduction into interstate commerce and which use had  
2 commercial application prior to January 1, 1958, the Secre-  
3 tary may prescribe a date beyond March 5, 1961, on the  
4 basis of a determination that such action will not be unduly  
5 detrimental to the public interest and is necessary to avoid  
6 hardships, if an extension to March 5, 1961, has been granted  
7 for such product under this paragraph (a) : *Provided further,*  
8 That such date shall not be extended beyond (i) the date  
9 on which an order with respect to the use of such product  
10 under section 408 of the Federal Food, Drug, and Cosmetic  
11 Act (21 U.S.C. 346a) becomes effective or (ii) the date on  
12 which any extension granted under paragraph (b) of this  
13 section is terminated, or".



87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 4662**

**A BILL**

To amend the transitional provisions of the Act approved August 7, 1959, entitled "Nematicide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

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By Mr. COOLEY

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FEBRUARY 21, 1961

Referred to the Committee on Agriculture





87TH CONGRESS  
1ST SESSION

# S. 1028

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 1961

Mr. ELLENDER (by request) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

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## A BILL

To amend the transitional provisions of the Act approved August 7, 1959, entitled "Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That paragraph (a) of section 3 of the Nematocide, Plant  
4       Regulator, Defoliant, and Desiccant Amendment of 1959  
5       (Public Law 86-139, 73 Stat. 286, 287) is amended by  
6       deleting the comma and the word "or" appearing at the end  
7       of clause (1) and adding at the end of such clause a colon  
8       and the following: "*Provided*, That with respect to any  
9       nematocide, plant regulator, defoliant, or desiccant whose use  
10      results in residue remaining in or on a food at the time of

1 introduction into interstate commerce and which use had  
2 commercial application prior to January 1, 1958, the Secre-  
3 tary may prescribe a date beyond March 5, 1961, on the  
4 basis of a determination that such action will not be unduly  
5 detrimental to the public interest and is necessary to avoid  
6 hardships, if an extension to March 5, 1961, has been  
7 granted for such product under this paragraph (a) : *Pro-*  
8 *vided further*, That such date shall not be extended beyond  
9 (i) the date on which an order with respect to the use of  
10 such product under section 408 of the Federal Food, Drug,  
11 and Cosmetic Act (21 U.S.C. 346a) becomes effective or  
12 (ii) the date on which any extension granted under para-  
13 graph (b) of this section is terminated, or ".



87TH CONGRESS  
1ST SESSION

**S. 1028**

**A BILL**

To amend the transitional provisions of the Act approved August 7, 1959, entitled "Nematicide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

By Mr. ELLENDER

FEBRUARY 22, 1961

Read twice and referred to the Committee on Agriculture and Forestry





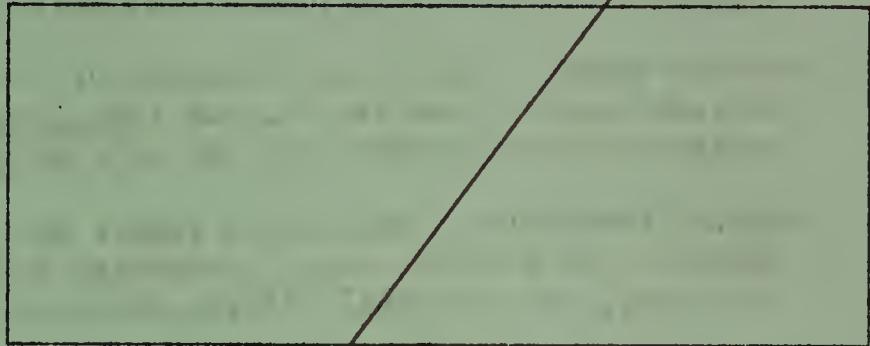
# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For Department  
Staff Only)

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Issued March 7, 1961  
For actions of March 6, 1961  
87th-1st No. 39



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HIGHLIGHTS: House Rules Committee cleared feed grains bill. Senate committee voted to report depressed areas bill. House passed bill to modify restriction on farm operating loans.

### HOUSE

1. FEED GRAINS. The Rules Committee reported a resolution for consideration of H. R. 4510, to provide a special program for feed grains for 1961 (p. 3066). The "Daily Digest" states that the Committee granted "an open rule, waiving points of order, with 4 hours' debate" on the bill (p. D127).
2. FARM LOANS. Passed, under suspension of the rules, H. R. 1822, to increase from 10 to 25 percent the portion of the annual appropriation for Farmers Home Administration operating loans that may be used for loans to borrowers whose operating loan indebtedness would exceed \$10,000. pp. 3035-6
3. APPROPRIATIONS. The Appropriations Committee reported (on Mar. 3, during adjournment of the House) without amendment H. R. 5188, the third supplemental appropriation bill for 1961 (H. Rept. 52) (p. 3065). See Digest 38 for items of interest.
4. FOOD ADDITIVES. The Interstate and Foreign Commerce Committee reported (on Mar. 3, during adjournment of the House) with amendment H. R. 3980, to amend the transitional provisions of the act of September 6, 1958, "To protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety" (H. Rept. 53). p. 3065

5. SUGAR. The "Daily Digest" states that the Agriculture Committee met "in executive session on H. R. 3738, to extend the Sugar Act. The committee will continue on this subject, in executive session, Wednesday, March 8." p. D127
6. RESEARCH; FOOD INSPECTION. The Agriculture Committee voted to report with amendment H. R. 4662, to amend the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 so as to authorize the Secretary of Agriculture to extend beyond March 5, 1961, the effective date of the registration and enforcement provisions of the Federal Insecticide, Fungicide, and Rodenticide Act with respect to nematocides, plant regulators, defoliants, and desiccants. p. D127
7. FOREIGN TRADE. Rep. Saund discussed U. S.-Mexican relations, particularly Mexican concern over the Mexican farm labor program and increasing competition in international markets for the sale of cotton and coffee. pp. 3040-46
8. FOREIGN CURRENCIES. Received a report on the use of foreign currencies in connection with foreign travel by Members and employees of the Foreign Affairs, Judiciary, and Veterans' Affairs Committees. pp. 3039-65
9. TREASURY REPORT. Received the annual report of the Secretary of the Treasury (H. Doc. 3). p. 3065
10. COMMITTEE ASSIGNMENTS. Reps. Peterson and Alford resigned as members of the Post Office and Civil Service Committee. Rep. Alford was elected a member of the Appropriations Committee. Rep. Hagan was elected a member of the Post Office and Civil Service Committee. pp. 3027-8
11. LEGISLATIVE PROGRAM. The "Daily Digest" states that the third supplemental appropriation bill and the feed grains bill will be considered today (Tues). p. D127

SENATE

12. DEPRESSED AREAS. The Banking and Currency Committee voted to report (but did not actually report) with amendments S. 1, the depressed areas bill. The "Daily Digest" states that the "bill, as approved, would authorize expenditures of \$394 million and would vest its administration under the jurisdiction of the Department of Commerce by an administrator appointed by the President." p. D125
13. FEED GRAINS. As reported by the Agriculture and Forestry Committee, S. 993, to provide a special program for feed grains for 1961, provides for:
- \$1.20 price support for corn, and comparable price support for oats, rye, barley, and grain sorghums for 1961 crops;
  - A 30 percent diversion of acreage from corn, grain sorghums, and such other feed grains as the Secretary may specify, as a condition of price support for corn, grain sorghums, oats, rye and barley;
  - Payment in cash for half of the reduced production at 50 percent of the support price;
  - Payment-in-kind for the other half of the reduced production at 60 percent of the support price; and
  - Assistance by CCC in the marketing of payment-in-kind certificates.
- The committee report includes a statement of explanation as follows:
- "The details of the proposed diversion are similar to those worked out by Congress in past wheat bills. The total acreage of corn and grain sorghums, and the total acreage of such other feed grains, if any, as might





# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

Issued March 8, 1961  
For actions of March 7, 1961  
87th-1st, No. 40

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HIGHLIGHTS: House passed supplemental appropriation bill. House debated feed grains bill. Sen. Hickenlooper introduced (with others) and discussed bill to establish cropland adjustment program.

## HOUSE

1. THIRD SUPPLEMENTAL APPROPRIATION BILL, 1961. Passed with amendments this bill, H. R. 5188 (pp. 3143-66). By a vote of 336 to 62, agreed to an amendment by Rep. Fogarty to provide \$29,990,000 additional for aid to school districts in federally impacted areas (pp. 3155-63, 3165-6). See Digest 38 for other items of interest.
2. FEED GRAINS. Began debate on H. R. 4510, to provide for a special program for feed grains for 1961. pp. 3168-81
3. RESEARCH; FOOD INSPECTION. The Agriculture Committee reported with amendments H. R. 4662, to amend the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 so as to authorize the Secretary of Agriculture to extend beyond March 5, 1961, the effective date of the registration and enforcement provisions of the Federal Insecticide, Fungicide, and Rodenticide Act with

respect to nematocides, plant regulators, defoliants, and desiccants (H. Rept. 61). p. 3199.

4. EDUCATION. Both Houses received from the President a proposed bill to provide for the construction of academic facilities and for undergraduate scholarships to S. Labor and Public Welfare and H. Education and Labor Committees. pp. 3119-20, 3199
5. COMMITTEE ASSIGNMENTS. The Speaker appointed Reps. Mills, Cannon, King, Mason, Mahon, and Taber as members of the committee to investigate nonessential Federal expenditures. p. 3181
6. PEACE CORPS. Rep. Reuss inserted the report of a special task force to the President recommending the establishment of a Peace Corps and explaining how the program should be administered. pp. 3184-7
7. TOBACCO IMPORTS. Rep. Halpern urged that an embargo be placed on the importation of Cuban cigars and that the U. S. increase the importation of Jamaican cigars. pp. 3194-5
8. FOREIGN CURRENCIES. Received a report on the use of foreign currencies in connection with foreign travel by Members and employees of the Agriculture and Science and Astronautics Committees and the U. S. delegation to the Inter-parliamentary Union. pp. 3196-8
9. FOOD STAMP PLAN. Received a Troy, O., labor union resolution favoring inclusion of Ohio in the experimental food stamp plan. p. 3201

SENATE

10. SALINE WATER. Sen. Anderson inserted the report of Secretary of Interior Udall on the activities of the Office of Saline Water during 1960. pp. 3142-2
11. PEACE CORPS. Sen. Humphrey commended the President's action establishing a Peace Corps and inserted several articles commending the action. pp. 3107-12
12. WHEAT. Sen. Carlson inserted a Reno, Co., Kan., Farmers' Union resolution favoring "the general principles of the 1960 marketing program for wheat, supported by the National Grange, the National Farmers' Union, the National Association of Wheat Growers, and other farm groups, as offering the greatest possibilities for a farm program beneficial to wheat producers." p. 3072
13. PUBLIC LANDS. Sen. Bennett inserted two letters from himself and Sens. Dworshak, Goldwater, and Allott to Secretary of Interior Udall in which they "protest the recent Interior Department order dated February 14 which locks up to 180 million acres of public domain land." pp. 3142-4
4. FOREIGN AFFAIRS. By a vote of 16 to 0, the Foreign Relations Committee approved a resolution of ratification of the Convention for Economic Cooperation and Development. p. D130
5. FOREIGN CURRENCIES. Received a report on the use of foreign currencies in connection with foreign travel by Members and employees of the Armed Services Committee. pp. 3073-4

AMENDING THE TRANSITIONAL PROVISIONS OF THE  
FEDERAL INSECTICIDE ACT, AS AMENDED

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MARCH 7, 1961.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

---

Mr. COOLEY, from the Committee on Agriculture, submitted the  
following

R E P O R T

[To accompany H.R. 4662]

The Committee on Agriculture, to whom was referred the bill  
(H.R. 4662) to amend the transitional provisions of the act approved  
August 7, 1959, entitled "Nematocide, Plant Regulator, Defoliant,  
and Desiccant Amendment of 1959," having considered the same,  
report favorably thereon with amendments and recommend that the  
bill as amended do pass.

The amendment is as follows:

Page 2, lines 6 and 7, beginning with the comma after "hardships"  
strike out the remainder of line 6 and that portion of line 7 preceding  
the colon.

PURPOSE

The purpose of this bill is to provide authority to the Secretary of  
Agriculture to extend the effective date under section 3(a)(1) of the  
Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment  
of 1959 (Public Law 86-139), beyond March 5, 1961. This authority  
would be limited to those nematocides, plant regulators, defoliants,  
or desiccants whose use (1) results in a residue remaining in or on a  
food at the time of introduction into interstate commerce, and (2) had  
commercial application prior to January 1, 1958.

NEEDS

The Nematocide, Plant Regulator, Defoliant, and Desiccant Amend-  
ment of 1959 (Public Law 86-139, 73 Stat. 286) subjected four new  
classes of products—nematocides, plant regulators, defoliants, and  
desiccants—to the regulatory controls and requirements of the Federal

Insecticide, Fungicide, and Rodenticide Act. By classifying these products as "economic poisons" under such act, the amendment also placed the products under the Pesticide Chemicals Amendment (Public Law 518, 83d Cong., 68 Stat. 511) to the Federal Food, Drug, and Cosmetic Act insofar as residues in or on raw agricultural commodities may be involved. The Nematicide, Plant Regulator, Defoliant, and Desiccant Amendment was, in general, made effective upon enactment in order to permit this Department to begin the registration of the newly regulated products under the Federal Insecticide, Fungicide, and Rodenticide Act and to permit the Department of Health, Education, and Welfare to establish tolerances with respect to such products under section 408 (relating to pesticide chemicals) of the Federal Food, Drug, and Cosmetic Act. However, in order to provide for an orderly transition period for both the Government and the industry, provision was made to defer the applicability of certain sections of the Federal Insecticide, Fungicide, and Rodenticide Act, and to preserve the applicability of the adulteration provisions of the Federal Food, Drug, and Cosmetic Act antedating the Pesticide Chemicals Amendment, to some of these products until such date, not beyond March 5, 1961, as the Secretaries of Agriculture and Health, Education, and Welfare, respectively, might find necessary and consistent with the public interest or health. The said Secretaries have granted an extension until March 5, 1961, with respect to certain of these products.

Industry studies to obtain residue and toxicological data necessary in obtaining registration of some of these products under the Federal Insecticide, Fungicide, and Rodenticide Act are now underway, but cannot be completed by March 5, 1961. The bill would authorize the Secretary of Agriculture to extend beyond March 5, 1961, the effective date of the registration and enforcement provisions of the Federal Insecticide, Fungicide, and Rodenticide Act with respect to these products. Extensions would be authorized only upon a determination by the Secretary that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships. Thus, the bill would allow continued use of these products, where no public health risk is involved, by making it possible to provide additional time to complete the necessary scientific investigations.

The Department of Health, Education, and Welfare has requested corresponding legislation with respect to those transitional provisions that relate to the application of the Federal Food, Drug, and Cosmetic Act.

#### COST

Enactment of the bill will not require any increase in appropriations.

#### DEPARTMENTAL VIEWS

Under date of February 13, 1961, the Department submitted to the Congress draft legislation for this purpose. Following is the letter recommending the legislation and giving the reasons therefor.

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., February 13, 1961.

Hon. SAM RAYBURN,  
*The Speaker,*  
*House of Representatives.*

DEAR MR. SPEAKER: There is transmitted herewith, for the consideration of the Congress, a draft bill entitled "To amend the transitional provisions of the act approved August 7, 1959, entitled 'Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959.'"

The proposed legislation would authorize the Secretary of Agriculture to extend the effective date under section 3(a)(1) of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139) beyond March 5, 1961. This authority would be limited to those nematocides, plant regulators, defoliants, or desiccants whose use (1) results in a residue remaining in or on a food at the time of introduction into interstate commerce, (2) had commercial application prior to January 1, 1958, and (3) had been extended to March 5, 1961.

The Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139, 73 Stat. 286) subjected four new classes of products—nematocides, plant regulators, defoliants, and desiccants—to the regulatory controls and requirements of the Federal Insecticide, Fungicide, and Rodenticide Act. By classifying these products as "economic poisons" under such act, the amendment also placed the products under the pesticide chemicals amendment (Public Law 518, 83d Cong., 68 Stat. 511) to the Federal Food, Drug, and Cosmetic Act insofar as residues in or on raw agricultural commodities may be involved. The nematocide, plant regulator, defoliant, and desiccant amendment was, in general, made effective upon enactment in order to permit this Department to begin the registration of the newly regulated products under the Federal Insecticide, Fungicide, and Rodenticide Act and to permit the Department of Health, Education, and Welfare to establish tolerances with respect to such products under section 408 (relating to pesticide chemicals) of the Federal Food, Drug, and Cosmetic Act. However, in order to provide for an orderly transition period for both the Government and the industry (pending such registration or establishment of tolerances), provision was made to defer the applicability of certain sections of the Federal Insecticide, Fungicide, and Rodenticide Act, and to preserve the applicability of the adulteration provisions of the Federal Food, Drug, and Cosmetic Act antedating the Pesticide Chemicals Amendment, to some of these products until such date, not beyond March 5, 1961, as the Secretaries of Agriculture and Health, Education, and Welfare, respectively, might find necessary and consistent with the public interest or health. The said Secretaries have granted an extension until March 5, 1961, with respect to certain of these products.

Industry studies to obtain residue and toxicological data necessary in obtaining registration of some of these products under the Federal Insecticide, Fungicide, and Rodenticide Act are now underway, but will not be completed by March 5, 1961. The proposed bill would authorize the Secretary of Agriculture to extend beyond March 5, 1961,

the effective date of the registration and enforcement provisions of the Federal Insecticide, Fungicide, and Rodenticide Act with respect to these products. Under the proposed bill, extensions would be authorized only (1) with respect to those products for which an extension to March 5, 1961, has been granted, and (2) upon a determination by the Secretary of Agriculture that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships. Thus, the proposed bill would allow continued use of these products, where no public health risk is involved, by making it possible to provide additional time to complete the necessary scientific investigations.

We understand that the Department of Health, Education, and Welfare has requested corresponding legislation with respect to those transitional provisions that relate to the application of the Federal Food, Drug, and Cosmetic Act. The enclosed draft bill and the legislation proposed by the Department of Health, Education, and Welfare would make it possible to subject these products to all the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act and of the pesticide chemical provisions of the Federal Food, Drug, and Cosmetic Act upon the same date.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, are shown as follows (existing law is in roman; deleted material is in brackets; and new language is in italic):

#### NEMATOCIDE, PLANT REGULATOR, DEFOLIANT, AND DESICCANT AMENDMENT OF 1959 (PUBLIC LAW 86-139)

SEC. 3. This Act shall take effect on the date of its enactment, except that—

(a) with respect to any nematocide, plant regulator, defoliant, or desiccant which was marketed commercially prior to the date of enactment and whose use does not result in residues of same remaining in or on a food, and with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, section 3, "Prohibited Acts"; section 8, "Penalties"; section 9, "Seizures"; and section 10, "Imports", of the Federal Insecticide, Fungicide, and Rodenticide Act, which this Act amends, shall not be applicable until—

(1) March 5, 1960, or such later date, not beyond March 5, 1961, as the Secretary of Agriculture may prescribe on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships [or]:  
*Provided, That with respect to any nematocide, plant regulator, defoliant, or desiccant whose use results in residue remaining in or on*

*a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, the Secretary may prescribe a date beyond March 5, 1961, on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships, if an extension to March 5, 1961, has been granted for such product under this paragraph (a): Provided further, That such date shall not be extended beyond (i) the date on which an order with respect to the use of such product under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) becomes effective or (ii) the date on which any extension granted under paragraph (b) of this section is terminated, or*

*(2) the date on which a registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act, whichever date first occurs; and*





# Union Calendar No. 28

87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4662

[Report No. 61]

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1961

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture

MARCH 7, 1961

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through]

---

## A BILL

To amend the transitional provisions of the Act approved August 7, 1959, entitled "Nematocide, Plant Regulator, Defoliant, Desiccant Amendment of 1959".

1       *Be it enacted by the Senate and House of Representa-*  
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1 of introduction into interstate commerce and which use had  
2 commercial application prior to January 1, 1958, the Secre-  
3 tary may prescribe a date beyond March 5, 1961, on the  
4 basis of a determination that such action will not be unduly  
5 detrimental to the public interest and is necessary to avoid  
6 hardships, ~~if an extension to March 5, 1961, has been granted~~  
7 ~~for such product under this paragraph (a): Provided further,~~  
8 That such date shall not be extended beyond (i) the date  
9 on which an order with respect to the use of such product  
10 under section 408 of the Federal Food, Drug, and Cosmetic  
11 Act (21 U.S.C. 346a) becomes effective or (ii) the date on  
12 which any extension granted under paragraph (b) of this  
13 section is terminated, or".



Union Calendar No. 28

87TH CONGRESS  
1ST SESSION

**H. R. 4662**

[Report No. 61]

**A BILL**

To amend the transitional provisions of the Act approved August 7, 1959, entitled "Nematicide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

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By Mr. COOLEY

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FEBRUARY 21, 1961

Referred to the Committee on Agriculture

MARCH 7, 1961

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed





March 15, 1961

policy, and he mentioned others who will be addressing the convention including Mr. McGovern, director of the food for peace program. pp. 3744-5

4. ROADS. Received from the President a proposed bill "which will make it possible to complete our Interstate Highway System by 1972"; to Public Works and Finance Committees. p. 3802
5. FARM LOANS; RESEARCH. The "Daily Digest" states that the Agriculture and Forestry Committee, in executive session, ordered favorably reported H. R. 1822, to modify restriction on farm operating loans, and with amendment S. 1028, to extend, on certain products the effective date of Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959. p. D165
6. UNEMPLOYMENT COMPENSATION. The "Daily Digest" states that the Finance Committee, in executive session, "ordered favorably reported with amendments H. R. 4806, proposed Extended Temporary Unemployment Compensation Act of 1961." p. D165
7. MINIMUM WAGE. The "Daily Digest" states that the Subcommittee on Labor, of the Labor and Public Welfare Committee, in executive session, "ordered favorably reported to the full committee without recommendation, S. 895, proposed Fair Labor Standards Amendments of 1961." p. D166
8. NOMINATIONS. The Agriculture and Forestry Committee reported the nominations of Charles S. Murphy to be Under Secretary and James T. Ralph to be an Assistant Secretary. p. 3704
9. WATER RESOURCES. The Foreign Relations Committee reported a treaty between the United States and Canada relating to cooperative development of the water resources of the Columbia River Basin which was signed at Washington on Jan. 17, 1961. p. 3704
10. PERSONNEL. Received from the Joint Committee on Reduction of Nonessential Federal Expenditures a report on Federal employment and pay for Jan. 1961 pp. 3705-9
11. FOREIGN CURRENCIES. Received from the Foreign Relations and Appropriations Committees reports on the use of foreign currencies in connection with foreign travel by members and employees of the committees. pp. 3709-13
12. PEACE CORPS. Sen. Javits discussed the results of a Peace Corps survey "which demonstrates the need for a program to prepare students for work abroad." p. 3732
13. LEGISLATIVE PROGRAM. Sen. Mansfield announced that H. R. 4806, the temporary unemployment compensation bill, will be considered next by the Senate. p. 3803

HOUSE

14. DEPRESSED AREAS. A subcommittee of the Banking and Currency Committee ordered favorably reported to the full committee H. R. 4569 (amended), to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically distressed areas." p. D168
15. FOREIGN AFFAIRS. Concurred in S. Con. Res. 7 to authorize the printing as a Senate document a compilation of the studies on United States foreign policy prepared under the direction of the Foreign Relations Committee. p. 3818

Concurred in S. Con. Res. 15 to authorize the printing as a Senate document "A Report on United States Foreign Operations," submitted by Sen. Ellender to the Senate Appropriations Committee. p. 3818

16. LAWS. Agreed to H. Con. Res. 81 to authorize the printing as a House document the brochure, "How Our Laws Are Made." p. 3317
17. RECLAMATION. Agreed to H. Res. 91 to authorize the printing as a House document a publication, "Operating Principles, Fryingpan-Arkansas Project, Adopted by the State of Colorado, April 30, 1959 (as amended December 30, 1959, and December 9, 1960)." p. 3818
18. LOBBYING. The Clerk of the House and Secretary of the Senate jointly submitted their report of the compilation on lobbying required by Public Law 601, 79th Congress, title III, Regulation of Lobbying Act. pp. 3823-47
19. COMMITTEE ASSIGNMENTS. Members were assigned to subcommittees of the Joint Economic Committee. pp. D169-70
20. MINIMUM WAGES; FARM LABOR. As reported by the Education and Labor Committee H. R. 3935, the minimum wage bill, includes provisions as follows:  
Raises the minimum wage level in two steps. During the first 2 years after the effective date of the bill the minimum wage would be \$1.15 an hour and thereafter it would be \$1.25 an hour.  
Amends the definition of "agriculture" so as to exclude from coverage employees engaged in processing shade-grown tobacco for use as cigar wrapper tobacco, but only if the employees were employed in the growing and harvesting of such tobacco.  
Provides that the Secretary of Labor shall study the exemptions in the Fair Labor Standards Act relating to handling and processing of agricultural products, and shall submit a report to the Congress in January 1962, together with recommendations for further legislation to simplify and remove any inequities in such exemptions.  
Reduces from 28 to 24 the number of cumulative workweeks during the calendar year in which exemptions from overtime pay requirements are available to certain processors of farm products, particularly processors, packers, and canners of perishable or seasonal fresh fruits or vegetables.
- ITEMS IN APPENDIX
21. ELECTRIFICATION. Extension of remarks of Sen. Engle commending Interior Secretary Udall in acting "expeditiously" to improve the marketing facilities for the electric power produced by Federal water projects, and inserting announcements on this subject. pp. A1792-3
22. FARM LABOR. Extension of remarks of Sen. Williams, N. J., inserting an article, "The Most Disadvantaged Children," and stating that it describes the difficulties faced by migrant children, and also records a favorable attitude toward proposed Federal legislation for migrant education. p. A1798
23. ECONOMIC SITUATION; EMPLOYMENT. Extension of remarks of Rep. Jonas inserting a series of three articles on the subject of the President and the economy. PP. A1798-9, A;812-3, A1821
24. FOREST PRODUCTS. Extension of remarks of Rep. Boykin inserting several articles describing how W. D. Harrigan, founder of the Scotch Lumber Co., had aided in





# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For Department  
Staff Only)

Issued March 17, 1961  
For actions of March 16, 1961  
87th-1st, No. 47

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**HIGHLIGHTS:** Both Houses received President's farm message. Conferees agreed to file conference report on feed grains bill. Senate confirmed Murphy and Ralph nominations. Senate committee reported bill to modify restriction on farm operating loans. Sen. Yarborough introduced and discussed bill to extend Wool Act.

### SENATE

1. **FARM PROGRAM.** Both Houses received the President's farm message (H. Doc. 109) (pp. 3874-7, 3858-61). Sens. Humphrey and Symington commended the message (pp. 3888-9). The message includes recommendations for legislation as follows:  
Amendment of the Agricultural Marketing Agreement Act to permit marketing orders to be used for a wider range of commodities, to make it more flexible in dealing with commodities for which a national or area program may be devised, and to permit (subject to approval by producers and acceptance by Congress) establishment of quotas and allotments for individual producers.

Amendment of the Agricultural Adjustment Act of 1938 to permit marketing quotas for any agricultural commodity for which quotas might be most effective and subject to approval by producers and acceptance by Congress -- with quotas in quantitative or acreage terms.

Amendment of the Agricultural Act of 1949 to permit, subject to producer approval and Congressional acceptance, the method of supporting producer income that is most appropriate, with authorization of compensatory payments as well as commodity loans, commodity purchases, diversion programs, incentive payments, and export payments as circumstances require, including authority to make payments in kind.

Provisions that control programs may not become effective until (1) approved by a two-thirds vote of producers and (2) reviewed by Congress for 60 days without an adverse vote by either House.

Amendment of the Soil Conservation and Domestic Allotment Act to provide for national farmer advisory committees for every commodity or group of related commodities for which a new supply adjustment program is planned.

Expansion of the school lunch program, with the increase going to those schools providing a high proportion of free lunches because of the high level of unemployment in their localities, and with a change in the allocation formula to include the number of children who actually receive school lunches.

Extension and improvement of the special milk program.

Authorization of \$2 billion additional for this calendar year under Title I of Public Law 480, and extension and expansion of this Act for five years.

Authority for farmers' cooperatives to purchase, acquire, and build processing plants and related facilities and to merge with other cooperatives so long as such activities do not tend to create a monopoly or substantially lessen competition.

The message also includes various recommendations for increased funds or acceleration of programs, and announces several administrative directives.

2. NOMINATIONS. Confirmed the nominations of Charles S. Murphy to be Under Secretary and James T. Ralph to be an Assistant Secretary. p. 3878
3. FARM LOANS. The Agriculture and Forestry Committee reported without amendment H. R. 1822, to increase from 10 to 25 percent the portion of the annual appropriation for Farmers Home Administration operating loans that may be used for loans to borrowers whose operating loan indebtedness would exceed \$10,000 (S. Rept. 73). p. 3882
4. RESEARCH; FOOD INSPECTION. The Agriculture and Forestry Committee reported with amendment S. 1028, to amend the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 so as to authorize the Secretary of Agriculture to extend beyond March 5, 1961, the effective date of the registration and enforcement provisions of the Federal Insecticide, Fungicide, and Rodenticide Act with respect to nematocides, plant regulators, defoliants, and desiccants (S. Rept. 74). p. 3882
5. WATER RESOURCES. By a vote of 90 to 1, agreed to the resolution of ratification of the treaty between the U. S. and Canada relating to cooperation development of the water resources of the Columbia River Basin. pp. 3910-24
6. FOREIGN AFFAIRS; ECONOMIC COOPERATION. By a vote of 72 to 10, agreed to the resolution of ratification providing for U. S. membership in the Organization for Economic Cooperation and Development. pp. 3924-50
7. UNEMPLOYMENT COMPENSATION. By a vote of 84 to 4, passed with amendments H. R. 4806, to provide for the establishment of a temporary program of extended unemployment compensation for unemployed workers, including Federal employees

# Calendar No. 70

87TH CONGRESS      }  
1st Session      }

SENATE      }

{

REPORT  
No. 74

## ADDITIONAL TIME FOR REGISTRATION OF CERTAIN NEMATOCIDES, PLANT REGULATORS, DEFOLIANTS, AND DESICCANTS

MARCH 16, 1961.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry,  
submitted the following

### R E P O R T

[To accompany S. 1028]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 1028) to amend the transitional provisions of the act approved August 7, 1959, entitled "Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959," having considered the same, report thereon with a recommendation that it do pass with an amendment.

This bill would extend the time within which certain nematocides, plant regulators, defoliants, and desiccants may be continued exempt from certain provisions of the Federal Insecticide, Fungicide, and Rodenticide Act until such time as the Pesticide Chemicals Amendment to the Federal Food, Drug, and Cosmetic Act is made fully applicable to such products. It was requested by the Department of Agriculture and, with the committee amendment, is identical to H.R. 4662, as reported by the House Committee on Agriculture.

The Federal Insecticide, Fungicide, and Rodenticide Act provides authority for regulating the marketing of pesticides and devices for controlling plant and animal pests, including the testing, registration, and labeling of these products. The Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 brought those products under the Insecticide Act, but delayed the effect of that act's prohibitions with respect to such products until registration could be accomplished, or until March 5, 1960, or such later date not beyond March 5, 1961, as the Secretary of Agriculture might find would not be unduly detrimental to the public interest and would be necessary to avoid hardships.

## 2 CONCERNING CERTAIN NEMATOCIDES, PLANT REGULATORS, ETC.

In bringing these products under the Insecticide Act, the Nematocide Amendment also brought such of these products as might leave residues on raw agricultural commodities under the Pesticide Chemicals Amendment of the Federal Food, Drug, and Cosmetic Act. In order to provide adequate time for the establishment of tolerances under the Pesticide Chemicals Amendment for such products used prior to January 1, 1958, the adulterant provisions of the Federal Food, Drug, and Cosmetic Act as they existed prior to the adoption of the Pesticide Chemicals Amendment were continued effective with respect to such products for such uses until such tolerances could be established, or until certain dates, but in no event later than March 5, 1961. H.R. 3980, as passed by the House on March 14, 1961, would provide additional time for the establishment of such tolerances under the Pesticide Chemicals Amendment. So long as such tolerances have not been established, proper labeling under the Insecticide Act cannot be determined. If the time within which such tolerances can be established is extended, it is essential that the existing exemption from certain provisions of the Insecticide Act be extended. If the time for establishing such tolerances is not extended, the bill herein being reported would have no effect. The bill is effective with respect to any product only if the Secretary of Agriculture determines that extension under the bill will not be unduly detrimental to the public interest and is necessary to avoid hardship.

The committee amendment would strike out language which does not appear to be necessary and which might cause some difficulty. If the time for the establishment of tolerances under the Pesticide Chemicals Amendment is extended, the time for registration under the Insecticide Act should probably be similarly extended without regard to whether an extension to March 5, 1961, has previously been granted under the Insecticide Act.

### DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,  
*Washington, D.C., February 13, 1961.*

THE PRESIDENT OF THE SENATE,  
U.S. Senate.

DEAR MR. PRESIDENT: There is transmitted herewith, for the consideration of the Congress, a draft bill entitled "To amend the transitional provisions of the act approved August 7, 1959, entitled 'Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959.'"

The proposed legislation would authorize the Secretary of Agriculture to extend the effective date under section 3(a)(1) of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139) beyond March 5, 1961. This authority would be limited to those nematocides, plant regulators, defoliants, or desiccants whose use (1) results in a residue remaining in or on a food at the time of introduction into interstate commerce, (2) had commercial application prior to January 1, 1958, and (3) had been extended to March 5, 1961.

The Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139, 73 Stat. 286) subjected

four new classes of products—nematocides, plant regulators, defoliants, and desiccants—to the regulatory controls and requirements of the Federal Insecticide, Fungicide, and Rodenticide Act. By classifying these products as "economic poisons" under such act, the amendment also placed the products under the Pesticide Chemicals Amendment (Public Law 518, 83d Cong., 68 Stat. 511) to the Federal Food, Drug, and Cosmetic Act insofar as residues in or on raw agricultural commodities may be involved. The Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment was, in general, made effective upon enactment in order to permit this Department to begin the registration of the newly regulated products under the Federal Insecticide, Fungicide, and Rodenticide Act and to permit the Department of Health, Education, and Welfare to establish tolerances with respect to such products under section 408 (relating to pesticide chemicals) of the Federal Food, Drug, and Cosmetic Act. However, in order to provide for an orderly transition period for both the Government and the industry (pending such registration or establishment of tolerances), provision was made to defer the applicability of certain sections of the Federal Insecticide, Fungicide, and Rodenticide Act, and to preserve the applicability of the adulteration provisions of the Federal Food, Drug, and Cosmetic Act antedating the Pesticide Chemicals Amendment, to some of these products until such date, not beyond March 5, 1961, as the Secretaries of Agriculture and Health, Education, and Welfare, respectively, might find necessary and consistent with the public interest or health. The said Secretaries have granted an extension until March 5, 1961, with respect to certain of these products.

Industry studies to obtain residue and toxicological data necessary in obtaining registration of some of these products under the Federal Insecticide, Fungicide, and Rodenticide Act are now underway, but will not be completed by March 5, 1961. The proposed bill would authorize the Secretary of Agriculture to extend beyond March 5, 1961, the effective date of the registration and enforcement provisions of the Federal Insecticide, Fungicide, and Rodenticide Act with respect to these products. Under the proposed bill, extensions would be authorized only (1) with respect to those products for which an extension to March 5, 1961, has been granted and (2) upon a determination by the Secretary of Agriculture that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships. Thus, the proposed bill would allow continued use of these products, where no public health risk is involved, by making it possible to provide additional time to complete the necessary scientific investigations.

We understand that the Department of Health, Education, and Welfare has requested corresponding legislation with respect to those transitional provisions that relate to the application of the Federal Food, Drug, and Cosmetic Act. The enclosed draft bill and the legislation proposed by the Department of Health, Education, and Welfare would make it possible to subject these products to all the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act and of the pesticide chemical provisions of the Federal Food, Drug, and Cosmetic Act upon the same date.

#### 4 CONCERNING CERTAIN NEMATOCIDES, PLANT REGULATORS, ETC.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### NEMATOCIDE, PLANT REGULATOR, DEFOLIANT, AND DESICCANT AMENDMENT OF 1959 (PUBLIC LAW 86-139)

SEC. 3. This Act shall take effect on the date of its enactment, except that—

(a) with respect to any nematocide, plant regulator, defoliant, or desiccant which was marketed commercially prior to the date of enactment and whose use does not result in residues of same remaining in or on a food, and with respect to any nematocide, plant regulator, defoliant, or desiccant whose use does result in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, section 3, "Prohibited Acts"; section 8, "Penalties"; section 9, "Seizures"; and section 10, "Imports", of the Federal Insecticide, Fungicide, and Rodenticide Act, which this Act amends, shall not be applicable until—

(1) March 5, 1960, or such later date, not beyond March 5, 1961, as the Secretary of Agriculture may prescribe on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships: *Provided, That with respect to any nematocide, plant regulator, defoliant, or desiccant whose use results in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, the Secretary may prescribe a date beyond March 5, 1961, on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships: Provided further, That such date shall not be extended beyond (i) the date on which an order with respect to the use of such product under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) becomes effective or (ii) the date on which any extension granted under paragraph (b) of this section is terminated, or*

(2) the date on which a registration for such use is issued under the Federal Insecticide, Fungicide, and Rodenticide Act, whichever date first occurs; and

**Section 3(b) of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 would not be amended by the bill, but the effect of the bill depends upon some extension of section 3(b), such as would be made by H.R. 3980, as passed by the House of Representatives. Section 3(b), as it would be amended by H.R. 3980, is therefore set out below, the new matter which would be added by H.R. 3980 being set out in boldface type.**

(b) with respect to any particular commercial use of a nematocide, plant regulator, defoliant, or desiccant in or on a raw agricultural commodity, if such use was made of such substance before January 1, 1958, section 406(a) and clause (2) of section 402(a) of the Federal Food, Drug, and Cosmetic Act as in force prior to the date of the enactment of the Act of July 22, 1954 (68 Stat. 511) (relating to pesticide chemicals on raw agricultural commodities) shall apply until—

(1) March 5, 1960, or the end of such additional period, not beyond March 5, 1961, as the Secretary of Health, Education, and Welfare may prescribe on the basis of a finding that such extension involves no undue risk to the public health and that conditions exist which necessitate the prescribing of such an additional period, or

(2) the date on which an order with respect to such use under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) becomes effective,

whichever date first occurs. Whenever the Secretary of Health, Education, and Welfare has, pursuant to clause (1) of this paragraph (b), prescribed an additional period expiring on March 5, 1961, or has on that date a request for such extension pending before him, with respect to any such particular use of a nematocide, plant regulator, defoliant, or desiccant, he may, notwithstanding the provision to the contrary in such clause (1), further extend the expiration date, not beyond June 30, 1964, applicable under such clause (1) (but subject to clause (2)) with respect to such use of such substance (or a more limited specified use or uses thereof), if, in addition to making the findings required by clause (1), he finds (A) that bona fide action to determine the applicability of such section 408 to such use or uses, or to develop the scientific data necessary for action under such section, was commenced by an interested person before March 6, 1960, and was thereafter pursued with reasonable diligence, and (B) that in the Secretary's judgment such extension is consistent with the objective of carrying to completion in good faith, as soon as reasonably practicable, the scientific investigations necessary as a basis for action under such section 408. The Secretary may at any time terminate an extension so granted if he finds that it should not have been granted, or that by reason of a change in circumstances the basis for such extension no longer exists, or that there has been a failure to comply with a requirement for submission of progress reports or with other conditions attached to such extension.





Calendar No. 70

87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

S. 1028

[Report No. 74]

---

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 1961

Mr. ELLENDER (by request) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

MARCH 16, 1961

Reported by Mr. ELLENDER, with an amendment

[Omit the part struck through]

---

A BILL

To amend the transitional provisions of the Act approved August 7, 1959, entitled "Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That paragraph (a) of section 3 of the Nematocide, Plant  
4       Regulator, Defoliant, and Desiccant Amendment of 1959  
5       (Public Law 86-139, 73 Stat. 286, 287) is amended by  
6       deleting the comma and the word "or" appearing at the end  
7       of clause (1) and adding at the end of such clause a colon  
8       and the following: "*Provided*, That with respect to any  
9       nematocide, plant regulator, defoliant, or desiccant whose use  
10      results in residue remaining in or on a food at the time of

1 introduction into interstate commerce and which use had  
2 commercial application prior to January 1, 1958, the Secre-  
3 tary may prescribe a date beyond March 5, 1961, on the  
4 basis of a determination that such action will not be unduly  
5 detrimental to the public interest and is necessary to avoid  
6 hardships, if an extension to March 5, 1961, has been  
7 granted for such product under this paragraph (a): *Pro-*  
8 *vided further*, That such date shall not be extended beyond  
9 (i) the date on which an order with respect to the use of  
10 such product under section 408 of the Federal Food, Drug,  
11 and Cosmetic Act (21 U.S.C. 346a) becomes effective or  
12 (ii) the date on which any extension granted under para-  
13 graph (b) of this section is terminated, or".



87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 1028**

[Report No. 74]

**A BILL**

To amend the transitional provisions of the Act approved August 7, 1959, entitled "Nematicide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

By Mr. EININGER

FEBRUARY 22, 1961

Read twice and referred to the Committee on Agriculture and Forestry

MARCH 16, 1961

Reported with an amendment





March 20, 1961

contrary to the best interests of the program, to permit an undue quantity of grain to be put on the market. If a certificate is not presented for redemption within 30 days of its issuance reasonable storage and other charges as determined by the Secretary, beginning 30 days after issuance of the certificate and ending with its presentation for redemption, would be deducted from the value of the certificate. However, if the Department elected to hold producers' certificates off the market longer than 30 days after their issuance, producers would not have to bear storage and other charges, since the time of the marketing of the certificates would not be within their control, but would be wholly within the control of the Department. Under the language of section 3 the Secretary is required to deduct only such storage and other charges as he determines to be reasonable and this would give him ample authority to relieve the producer of storage and other charges under these circumstances.

"Section 4 of the conference substitute \*\*\* provides that the Secretary shall submit to Congress, within 90 days after the effective date of this act, a detailed report on the progress, cost, and reduction of surpluses under the program, and other relevant information."

1. SURPLUS COMMODITIES; FOREIGN TRADE. The Agriculture Committee voted to report (but did not actually report) H. R. 4728, to amend Public Law 480 so as to authorize \$2 billion additional under title I for sales of surplus commodities for foreign currencies in 1961. p. D1777
2. SUGAR. As reported by the Agriculture Committee, H. R. 5463 extends the Sugar Act from March 31, 1961, to December 31, 1962, relieves the President of the obligation to purchase any part of the sugar formerly supplied by Cuba from any country with which the United States does not maintain diplomatic relations, and requires that in authorizing the purchase of quantities of sugar which cannot be supplied by countries which have quotas under the Act consideration shall be given to countries of the Western Hemisphere and to those countries purchasing U. S. agricultural commodities.

The committee report includes the following statement regarding the effect of the bill on foreign purchases:

"H. R. 5463 will amend those provisions of the Sugar Act respecting foreign purchases which were established by Public Law 86-592, as follows:

"Presidential authority to establish the sugar quota for Cuba through December 31, 1962, at such level as the President shall find from time to time to be in the national interest, but in no event in excess of the Cuban quota under the basic quota system of the Sugar Act. If the President sets the Cuban quota at less than its basic quota, the amount of the reductions are to be distributed as follows:

"(1) An amount equivalent to Cuba's share in any domestic area production deficit may be assigned exclusively to other domestic areas; and then

"(2) To five nations whose quotas have been between 3,000 and 10,000 tons, a sufficient quantity of sugar to bring each up to 10,000 tons. These nations are Costa Rica, Haiti, Panama, The Netherlands, and Nationalist China; and then

"(3) To the Republic of the Philippines 15 percent of the remainder; and then

"(4) To other countries having quotas under the act (except those five nations mentioned in (2) above) the remaining 85 percent in amounts pro-rated according to the basic quotas established by the act, 'except that any amounts which would be purchased from any country with which the United States is not in diplomatic relations need not be purchased'; and then

"(5) If additional amounts of sugar are needed, purchases may be made from any other foreign nation without regard to allocations, but with consideration given to countries of the Western Hemisphere and to those countries purchasing U. S. agricultural commodities.

"The bill continues the President's present authority to obtain refined sugar if raw sugar is not reasonably available."

The committee report includes the following statement regarding later enactment of more permanent sugar legislation:

"Amendments to the basic Sugar Act will be thoroughly considered in open hearings on the enactment of more permanent sugar legislation, which the chairman has stated will be scheduled as early as possible in May. At these hearings those interested in the various aspects of the Sugar Act will be given an opportunity to appear before the committee and express their points of view and the committee itself will have full opportunity to integrate the various proposals into the act as a whole and reach a mature and informed decision on an amendment and extension of the act which will best serve the national interest."

4. FOREIGN CURRENCIES. Received from the Merchant Marine and Fisheries and Education and Labor Committees reports on the expenditures of foreign currencies in connection with foreign travel by Members and employees of the committees. pp. 4051-2

5. LEGISLATIVE PROGRAM. Rep. McCormack announced that the following items are scheduled for today, Mar. 21: Conference report on the feed grains bill, consideration of the sugar bill under motion to suspend the rules, and the call of the Consent and Private Calendars. p. 4041

SENATE

6. FARM LOANS. Passed without amendment H. R. 1822, to increase from 10 to 25 percent the portion of the annual appropriation for Farmers Home Administration operating loans that may be used for loans to borrowers whose operating loan indebtedness would exceed \$10,000. This bill will now be sent to the President p. 4031

7. RESEARCH; FOOD INSPECTION. Passed as reported S. 1028, to amend the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 so as to authorize the Secretary of Agriculture to extend beyond March 5, 1961, the effective date of the registration and enforcement provisions of the Federal Insecticide, Fungicide, and Rodenticide Act with respect to nematocides, plant regulators, defoliants, and desiccants. pp. 4031-2

8. NOMINATIONS. Received the nominations of Charles S. Murphy, John P. Duncan, Frank J. Welch, James T. Ralph, Horace Godfrey, and Willard Cochrane to be members of the CCC Board of Directors. p. 4040

9. PEACE CORPS. Sen. Young, O., commended the President's action establishing a Peace Corps, stating that it "embodies the spirit that moved this country to greatness." p. 4034

10. RECLAMATION. The Irrigation and Reclamation Subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee with amendments, S. 107, to authorize construction of the Navajo Indian irrigation project and

that date, 140 employees will lose their jobs. Flat River, Mo., is an area of chronic unemployment where the personal sufferings and hardships recall too vividly the conditions that existed during the days of the depression.

The passage of S. 1116 does not guarantee the sale of the surplus calcines to the National Lead Co. The company would have to compete against any other possible purchasers. If the National Lead Co. is successful in acquiring these materials, it will permit them to operate for a period of 6 months beyond March 30, 1961.

I am grateful to the Armed Services Committee and to the Senate itself for the expeditious manner in which this matter was handled. All of us in Missouri are thankful for anything to stop further unemployment.

**Mr. KUCHEL.** Mr. President, is there further morning business?

**THE VICE PRESIDENT.** Is there further morning business?

#### ADJUSTMENT OF FUNDS AVAILABLE FOR FARM OPERATING LOANS

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 69, H.R. 1822.

**THE VICE PRESIDENT.** The bill will be stated by title.

**THE LEGISLATIVE CLERK.** A bill (H.R. 1822) to adjust the amount of funds available for farm operating loans made pursuant to section 21(b) of the Bankhead-Jones Farm Tenant Act, as amended.

**THE VICE PRESIDENT.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

**Mr. HOLLAND.** Mr. President, this is a very simple bill. It would merely change the figures in the second sentence of section 21(b) of the Bankhead-Jones Farm Tenant Act, as amended, by striking out "10 percent" and inserting in lieu thereof "25 percent." I think a brief explanation of the bill should suffice, because the bill comes to the Senate by a unanimous report of the Committee on Agriculture and Forestry.

Section 21(b) of the Bankhead-Jones Farm Tenant Act, as amended, provides that not to exceed 10 percent of the funds appropriated annually for operating loans under that act may be used for making loans to borrowers whose operating loan indebtedness would exceed \$10,000. The amendment made by the bill would increase that limitation to 25 percent.

The cost of farming has increased rapidly and substantially in recent years and, as a result, there are more and more farmers whose operating credit needs exceed \$10,000. Whereas the 10-percent limitation on the use of funds for these larger loans was adequate when the law was enacted, it is inadequate for present farming operations and credit needs. In 1960, the limit was reached in early May and, although general loans funds were available, no further loans of this size could be made for the balance of the fiscal year. The Department of Agriculture reports that for the current year the 10-percent limit was reached about March first, so that the need for an

amendment permitting a larger percentage of the loan fund to be used for loans of this type is urgent.

Mr. President, I wish to read one paragraph from the approving letter of the Secretary of Agriculture, as follows:

As of December 31, 1959, only 33 percent of the amount of funds available within this limitation had been used, whereas on December 31, 1960, approximately 71 percent of the funds available under the limitation had been used. It is anticipated that the 10-percent ceiling prescribed by the present act will be reached within a few weeks. Unless the proposed legislation is enacted, many present borrowers and applicants for initial loans will be unable to obtain the credit needed for the operation of farms this year. The enactment of this proposed legislation would enable the Farmers Home Administration to assist many worthy applicants with funds available for such loans during the remainder of this fiscal year.

A question was raised in the committee as to whether or not the Farm Credit Administration felt that the passage of the bill would in any way interfere with its operations. We inquired of the Farm Credit Administration and received the affirmative statement from them that, in their judgment, the passage of the bill would not interfere with the normal function of the Farm Credit Administration.

I ask that the bill be passed.

**Mr. SYMINGTON.** Mr. President, Senate approval of H.R. 1822 is a recognition of the rapid and substantial increase in the cost of farming in recent years.

Today's amendment to the Bankhead-Jones Farm Tenant Act will provide that not to exceed 25 percent of the sum made available by the annual appropriation for operating loans may be used for making loans to borrowers whose operating loan indebtedness would exceed \$10,000.

The present ceiling is 10 percent, and all loans allowable under the present law were made by March 1 of this year.

Passage of this amendment permits the Farmers Home Administration to make further loans during the current fiscal year to many farmers who are otherwise eligible and in need.

**Mr. MANSFIELD.** Mr. President, I urge the passage of the bill.

**THE VICE PRESIDENT.** The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 1822) was ordered to a third reading, read the third time, and passed.

#### REGISTRATION OF CERTAIN NEMATOCIDES, PLANT REGULATORS, DEFOLIANTS, AND DESICCANTS

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 70, S. 1028.

**THE VICE PRESIDENT.** The bill will be stated by title.

**THE LEGISLATIVE CLERK.** A bill (S. 1028) to amend the transitional provisions of the act approved August 7, 1959, entitled "Nematocide, Plant Regulator,

Defoliant, and Desiccant Amendment of 1959."

**THE VICE PRESIDENT.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 2, at the beginning of line 6, to strike out the comma and "if an extension to March 5, 1961, has been granted for such product under this paragraph (a)", so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of section 3 of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139, 73 Stat. 286, 287) is amended by deleting the comma and the word "or" appearing at the end of clause (1) and adding at the end of such clause a colon and the following: "Provided, That with respect to any nematocide, plant regulator, defoliant, or desiccant whose use results in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, the Secretary may prescribe a date beyond March 5, 1961, on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships: Provided further, That such date shall not be extended beyond (i) the date on which an order with respect to the use of such product under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) becomes effective or (ii) the date on which any extension granted under paragraph (b) of this section is terminated, or".*

**Mr. HOLLAND.** Mr. President, I think a brief explanation of the bill would be in order. The chairman of the Committee on Agriculture and Forestry, the distinguished Senator from Louisiana [Mr. ELLENDER], had expected to make a statement, but was called from the Senate Chamber a few minutes ago. He asked the Senator from Florida to make a statement about the bill in the event he had not returned by the time the bill was called up.

The Committee on Agriculture and Forestry unanimously passed upon the measure, reported it favorably, and asked that it be approved with a small amendment, which will be stated at the proper time.

The bill would extend the time within which certain nematocides, plant regulators, defoliants, and desiccants may be continued exempt from certain provisions of the Federal Insecticide, Fungicide, and Rodenticide Act until such time as the Pesticide Chemicals Amendment to the Federal Food, Drug, and Cosmetic Act is made fully applicable to such products. It was requested by the Department of Agriculture and, with the committee amendment, is identical to H.R. 4662, as reported by the House Committee on Agriculture.

In 1959, when the original act was passed, bringing nematocides, plant regulators, defoliants, and desiccants under the Insecticide Act, and under the Pesticide Chemicals Amendment of the Federal Food, Drug, and Cosmetic Act, provision was made deferring certain effects of

the Insecticide Act until tolerances could be established under the Pesticide Chemical Amendment. As too many of the new chemicals, the act is already applicable, because the research has been completed, and the tolerances have been declared by the Food and Drug Administration, and have been applied to those particular chemicals. However, as to other chemicals, the research has not yet been completed, and the passage of the bill would permit the Secretary of Agriculture to defer certain effects of the Insecticide Act until a determination of the facts by the Food and Drug Administration has been made, so that the particular chemicals which are now being used, and have been used without any serious results to anybody, could continue to be used, provided that the Secretary of Agriculture must in each case, determine that such action will not be unduly detrimental to the public interest and is necessary to avoid hardship.

Industry studies to obtain residue and toxicological data necessary in obtaining registration of some of these products under the Federal Insecticide, Fungicide, and Rodenticide Act are now underway, but were not completed by March 5, 1961, which was the terminal date of the present exemption. The bill would authorize the Secretary of Agriculture to extend beyond March 5, 1961, the effective date of the registration and enforcement provisions of the Federal Insecticide, Fungicide, and Rodenticide Act with respect to these particular products.

Under the bill, extensions would be authorized for any products only upon a determination by the Secretary of Agriculture that such action would not be unduly detrimental to the public interest and is necessary to avoid hardships and upon extension by the Secretary of Health, Education, and Welfare of the time within which such products are not fully subject to the pesticide chemicals amendment. Such extension by the Secretary of Health, Education, and Welfare depends upon the enactment of additional legislation now pending before the Congress. Thus the bill would allow the continued use of these products only where no substantial public health risk is involved, by making it possible to provide additional time to complete the necessary scientific investigations, which, by the way, are under way in the most urgent fashion and manner possible.

I know of no objection to the bill. I think it would be administered with due regard to the health of all the people of the United States and with fair treatment to the manufacturers of the chemicals in question.

I ask that the committee amendment be considered and agreed to, and that the bill as amended be passed.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment. If there be no further amendment to be pro-

posed, the question is on the engrossment and third reading of the bill.

The bill (S. 1028) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move the Senate reconsider the vote by which the bill was passed.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

that there would be no point in issuing it?

Mr. RANDOLPH. The Senator from Wyoming makes a cogent observation. There is much truth in what he says.

I suggest that Mr. Shipley's party zeal is matched only by his disregard for events. Whatever criticisms may be fairly leveled against President Kennedy and his administration—and there are precious few to date—that of being a do-nothing administration is certainly not one of them.

President Kennedy has been in office just 2 months. During that time, he has sent to Congress—according to the count of our esteemed colleague, Senator BRIDGES, who is chairman of the Senate minority policy committee—29 messages on legislative matters. I consider my friend from New Hampshire a much more authoritative source of information on the level of activity of this administration than some local Republican Party official who is unduly biased.

It is worth observing also, Mr. President, since Senator Kennedy's campaign remarks were blamed for the outflow of American gold, that the flow ceased and the international market for gold was stabilized within 6 weeks of President Kennedy's inauguration. In all fairness to the campaigner, Senator Kennedy, and now to President Kennedy, this happier state of affairs must be attributed in large measure to the restoration of confidence in the American economy which has emerged from the actions of this administration.

Without emphasizing any invidious comparison between the actions of this administration and those of the preceding one, I would invite the Members of this body—and Mr. Shipley—to note the difference between the most recent negotiations with West Germany regarding the relationship between the dollar and the deutsche mark, and the unfortunate results of the highly publicized Anderson mission to Bonn in the twilight hours of the Eisenhower administration. Both administrations had essentially the same instruments at their disposal, but there was a world of difference between their use of these instruments.

Finally, Mr. President, Mr. Shipley's rancor seems to have been particularly reserved for what he terms "the great Kennedy giveaway sweepstakes—his latest is a request for \$500 million for Latin America." Presumably Mr. Shipley refers to the \$500 million authorized by the 86th Congress—at the request of President Eisenhower—for the Inter-American Fund for Social Progress.

On March 14, President Kennedy sent to the Congress his message asking for the appropriation of the previously authorized \$500 million and the \$100 million which at the same time was authorized for the rehabilitation of southern Chile. However, I would emphasize that President Kennedy set forth in explicit terms in his message the conditions for a new approach to foreign aid, one which establishes self-help, progress, and social reform as the goals which American foreign aid will seek to achieve.

#### PRESIDENT KENNEDY IS PRAISED; REPLY IS GIVEN TO REPUBLICAN CRITICISM

Mr. RANDOLPH. Mr. President, yesterday the Washington Post published an article containing remarks by a Republican Party spokesman. Those remarks rank among the least informed and most partisan political statements I have ever read.

I refer to an attack by Republican District of Columbia Chairman Carl L. Shipley characterizing the Kennedy administration as showing "promise of being the greatest 'do nothing' administration in the history of our Republic."

I ask unanimous consent that the article entitled "Shipley Slaps 'Do Nothing' of Kennedy," published in yesterday's Washington Post, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### SHIPLEY SLAPS "DO NOTHING" OF KENNEDY

District Republican Chairman Carl L. Shipley said yesterday the Kennedy administration "has been losing the cold war on all fronts."

He made the charge at a convention of the District Young Republican College Federation at American University.

"The sober truth" is how he characterized his statement that the President "is exercising no leadership, he is doing nothing, and the Kennedy administration gives promise of being the greatest 'do nothing' administration in the history of our Republic."

Shipley said that college students should constructively criticize the administration and "I will tell you a good place to start today."

A few days ago President Kennedy launched another of his schemes in the great Kennedy giveaway sweepstakes, which seeks to solve every problem by creating a new Government bureau and asking Congress for more money to launch another program. His latest is a request for \$500 million for Latin America."

Shipley apparently was referring to the President's request for \$500 million for the Inter-American Fund for Social Progress. Most of the money will be handled by the Inter-American Development Bank, created by the Act of Bogota during the Eisenhower administration.

Mr. McGEE. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield to the Senator from Wyoming.

Mr. McGEE. Is it not conceivable that Mr. Shipley wanted to get such a statement into the RECORD this early because the Kennedy administration has begun to act so fast that he was afraid that if he waited any longer his statement would be so completely out of reality





# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

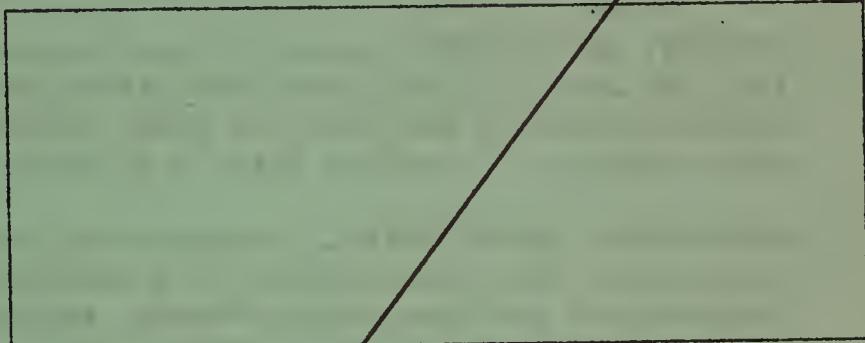
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Issued  
For actions of

March 22, 1961  
March 21, 1961  
87th-1st, No. 49

OFFICE OF  
BUDGET AND FINANCE  
(For Department  
Staff Only)



**HIGHLIGHTS:** House agreed to conference report on feed grains bill. House passed sugar bill. Senate agreed to consider feed grains conference report Wednesday. House committee voted to report depressed areas bill. House subcommittee voted to report bill to extend Reorganization Act. Senate received Bagwell nomination. Rep. Schwengel criticized President's farm message.

### HOUSE

1. FEED GRAINS. By a vote of 231 to 185, agreed to the conference report on H.R. 4510, to provide a special program for feed grains for 1961 (pp. 4144-51). See Digest 48 for a summary of the bill as reported by the conference committee.
2. SUGAR. By a vote of 284 to 129, passed under suspension of the rules H.R. 5463, to amend and extend the Sugar Act (pp. 4151-60). See Digest 48 for a summary of the bill as reported by the Agriculture Committee.
3. DEPRESSED AREAS. The Banking and Currency Committee voted to report (but did not actually report) with amendment S. 1, the depressed areas bill (p. D184). The Committee was granted permission until midnight Tues., Mar. 21, to file a report on the bill (p. 4137).
4. REORGANIZATION. The "Daily Digest" states that the Executive and Legislative Reorganization Subcommittee of the Government Operations Committee "met in executive session and rescinded amendments, adopted February 28, to S. 153, to further amend the Reorganization Act of 1949. The bill was again ordered reported to the full committee." p. D134

5. RESEARCH; FOOD INSPECTION. Passed without amendment S. 1028, to amend the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 so as to authorize the Secretary of Agriculture to extend beyond March 5, 1961, the effective date of the registration and enforcement provisions of the Federal Insecticide, Fungicide, and Rodenticide Act with respect to nematocides, plant regulators, defoliants, and desiccants. This bill will now be sent to the President. A similar bill, H.R. 4662, was tabled. p. 4138
6. FORESTRY; RECREATION. Passed without amendment S. 449, to extend from Sept. 1, 1961, to Jan. 31, 1962, the time within which the Outdoor Recreation Resources Review Commission may make its final report. This bill will now be sent to the President. A similar bill, H.R. 2204, was tabled. p. 4138
7. UNEMPLOYMENT COMPENSATION. Received the conference report on H.R. 4806, to provide for the establishment of a temporary program of extended unemployment compensation for unemployed workers, including Federal employees and veterans (H. Rept. 183) (pp. 4135-7). House conferees were appointed earlier (p. 4135).
8. FARM PROGRAM. Rep. Schwengel criticized the President's farm message as containing "no new ideas on how to solve the farm problem," stated that enactment of his proposals "would be abrogating our responsibility as Congressmen," and urged enactment of a bill he had introduced to expand the conservation reserve program. pp. 4185-7
9. LABOR STANDARDS. The Rules Committee reported a resolution for consideration of H.R. 3935, to amend the Fair Labor Standards Act and increase the minimum wage gradually to \$1.25 an hour. p. 4160
10. WATERSHEDS. The "Daily Digest" states that the Conservation and Credit Subcommittee of the Agriculture Committee approved watershed projects for Ky., N. Mex., Hawaii, and Fla., and passed over various other watershed projects for the States of S.C., Va., and Ky.-Tenn. p. D184
11. PERSONNEL; BONDING. A subcommittee of the Post Office and Civil Service Committee voted to report to the full committee H.R. 2554, to repeal Sec. 14(c) of title 6 of the U. S. Code requiring an annual report by the Secretary of the Treasury with respect to the bonding of Federal employees. p. D185
12. TEXTILE IMPORTS. Rep. Lane urged greater restrictions on the importation of textiles and textile products. p. 4174

SENATE

13. FEED GRAINS. Received the conference report on H.R. 4510, to provide a special program for feed grains for 1961 (p. 4105). Agreed to a unanimous consent request by Sen. Mansfield to consider the conference report on Wed., Mar. 22, with debate to be limited to 1½ hours (p. 4130).
14. NOMINATION. Received the nomination of John C. Bagwell to be General Counsel of this Department. p. 4131

December 31, 1964, date to December 31, 1963, and made other changes in dates to conform to this action. The House recedes.

Amendment No. 12: The bill as passed (by the House contained a new section 901(d) of the Social Security Act providing that, except as provided in the new section 901(c), no transfer to or from the Federal extended compensation account is to be made after December 31, 1964. Senate amendment No. 12 changed this date to December 31, 1963. The Senate recedes.

Amendment No. 13: Section 14(a) of the bill both as passed by the House and as amended by the Senate amends section 3301 of the Internal Revenue Code of 1954 (relating to rate of tax under the Federal Unemployment Tax Act) to temporarily increase the rate of the excise tax paid by employers from 3.1 percent of wages to 3.5 percent. Under the bill as passed by the House this increase applies in the case of wages paid during the calendar years 1962 and 1963. Under Senate amendment No. 13 this increase applies in the case of wages paid during the calendar years 1961 and 1962. The Senate recedes.

Amendment No. 14: Section 14(b) of the bill, both as passed by the House and as amended by the Senate, relates to the preservation, without change, of the existing credits against the Federal unemployment tax. Senate amendment No. 14 made this preservation of credits applicable for the calendar years 1961 and 1962 (in lieu of the calendar years 1962 and 1963). In conformity with the conference action on Senate amendment No. 13, the Senate recedes.

Amendment No. 15: Section 901(c)(1)(A) of the Social Security Act provides a limitation of \$350,000,000 on the amount authorized to be made available each fiscal year for the purpose of—

(1) assisting the States in the administration of their unemployment compensation laws as provided in title III of the Social Security Act (including administration pursuant to agreements under any Federal unemployment compensation law),

(2) the establishment and maintenance of systems of public employment offices in accordance with the Act of June 6, 1933, as amended (the Wagner-Peyser Act), and

(3) carrying into effect section 2012 of title 38 of the United States Code (assignment of employees to local employment offices to discharge duties prescribed for veterans' employment representatives).

Senate amendment No. 15 adds a new section 15 to the bill which provides that notwithstanding this \$350,000,000 limitation the Congress may make available for grants to States under section 901(c)(1) of the Social Security Act, for fiscal years ending June 30, 1961, and June 30, 1962, an amount which shall not exceed \$425,000,000 for each such fiscal year.

The House recedes with an amendment. Under the conference agreement, the aggregate amount which the Congress may make available for grants to States under section 901(c)(1)(A) of such Act shall not exceed \$385,000,000 for the fiscal year ending June 30, 1961, and \$415,000,000 for the fiscal year ending June 30, 1962. The \$350,000,000 limitation continues to apply for each fiscal year ending on or after June 30, 1963.

W. D. MILLS,  
CECIL R. KING,  
THOMAS J. O'BRIEN,  
N. M. MASON,  
JOHN W. BYRNES,

Managers on the Part of the House.

#### COMMITTEE ON BANKING AND CURRENCY

MR. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file a report on the bill, S. 1.

THE SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### CONSENT CALENDAR

THE SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

#### EFFECTIVE DATE OF CERTAIN STATUTORY AWARDS

The Clerk called the bill (H.R. 861) to provide that no application shall be required for the payment of statutory awards for certain conditions which, prior to August 1, 1952, have been determined by the Veterans' Administration to be service connected.

THE SPEAKER. Is there objection to the present consideration of the bill?

MR. FORD. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the Committee on Veterans' Affairs whether or not the opposition to this legislation by the Veterans' Administration is a new letter or is one of the previous administration.

MR. TEAGUE of Texas. Mr. Speaker, I would say to the gentleman from Michigan that it is a letter from the new administration. I do not believe it is correct to say that it is an objection. It is a partial objection, one which could possibly set a precedent.

MR. FORD. Mr. Speaker, I withdraw my reservation of objection. I ask unanimous consent that the bill be passed over without prejudice.

THE SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### U.S. MERCHANT VESSEL AND WATERFRONT SECURITY ACT OF 1960

The Clerk called the bill (H.R. 4469) to amend the Subversive Activities Control Act of 1950 so as to provide that no individual who willfully fails or refuses to answer, or falsely answers, certain questions relating to subversive activities, when summoned to appear before certain Federal agencies, shall be employed on any merchant vessel of the United States or within certain waterfront facilities in the United States.

THE SPEAKER. Is there objection to the present consideration of the bill?

MR. LINDSAY. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill, the distinguished Chairman of the Committee on

Un-American Activities, if he has had a chance to consider the suggestion I made the last time I objected to the bill, that the subject matter was of sufficient importance as well as the constitutional questions that are raised by it, so that the matter really ought to be subjected to the scrutiny of full floor debate.

MR. WALTER. Mr. Speaker, were it not for the fact that the Supreme Court of the United States passed on the constitutional questions the gentleman is talking about, I would agree with him. But the statute of the State of California which we followed exactly in drafting the bill under consideration went to the Supreme Court and the Supreme Court held that it was constitutional. I see no need to debate the question. I would be very glad to answer any questions the gentleman may ask, but as to constitutionality of the statute, that has already been passed on by the Supreme Court.

MR. LINDSAY. As I read the cases in the courts, including the Supreme Court case of Green against McElroy, and the Ninth Circuit case of Parker against Lester, questions are raised by this bill that have not been passed on by the Supreme Court, to my satisfaction, at least. I should like the opportunity to examine the bill and debate it on the floor. I would be disposed to vote against this as it now stands. For that reason, and with all due deference to the distinguished chairman of the committee, Mr. Speaker, I object.

THE SPEAKER. It requires three objectors. Is their further objection to the consideration of the bill?

MR. RYAN. Mr. Speaker, reserving the right to object, I would like to say that I agree with the distinguished gentleman from New York [Mr. LINDSAY]. I think there are serious constitutional questions involved here which should be debated fully. Calling this bill on the Consent Calendar prevents thorough and deliberate consideration. Therefore, I also object.

THE SPEAKER. Is there further objection?

There being no further objection, the Clerk read the bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Merchant Vessel and Waterfront Security Act of 1960."*

SEC. 2. The Subversive Activities Control Act of 1950 (64 Stat. 987) is amended by inserting, immediately preceding section 4 thereof, the following new section:

"EMPLOYMENT OF CERTAIN INDIVIDUALS AT WATERFRONT FACILITIES AND ABOARD MERCHANT VESSELS OF UNITED STATES

"SEC. 3B. (a) No individual who willfully fails or refuses to appear before any Federal agency, when subpoenaed or ordered to appear, or to answer under oath before such Federal agency any question concerning—

"(1) the membership of such individual, or any other individual, in the Communist Party, Fascist Party, or other subversive party.

"(2) the activities of such individual, or any other individual, as a member of the Communist Party, Fascist Party, or other subversive party, or

"(3) the participation of such individual, or any other individual, in activities conducted by or under the direction of the Communist Party, Fascist Party, or other subversive party, or any member thereof, shall be employed in any capacity aboard any merchant vessel of the United States or within any waterfront facility in the United States, nor shall any such individual be entitled to hold, or to be issued, any certificate, license, or other document (including any endorsement thereon) identifying him as an individual eligible to be employed in any capacity aboard any such merchant vessel or within any such waterfront facility. The prohibition against employment, and against the possession and issuance of any certificate, license, or other document (including any endorsement thereon), contained in the first sentence of this subsection shall also apply with respect to any individual who commits perjury in answering any question referred to in such first sentence.

"(b) The President of the United States shall institute such measures and issue such rules and regulations as he may deem necessary to carry out the provisions of this section and, for such purpose, he may utilize such departments, agencies, officers, and instrumentalities of the United States as he may deem appropriate. For the purpose of any investigation which, in the opinion of the department, agency, officer, or instrumentality utilized by the President to carry out the provisions of this section, is necessary and proper in carrying out the provisions of this section, such department, agency, officer, or instrumentality is empowered to subpoena witnesses, administer oaths and affirmations, take evidence, and require the production of any books, papers, or other documents which are relevant or material to the matter under investigation. Such attendance of witnesses and the production of such books, papers, or other documents may be required from any place in the United States or any district, Commonwealth, or possession thereof, at any designated place of hearing. Witnesses summoned under authority of this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Upon failure of any person to obey a subpoena issued under the subsection, the United States district court for the judicial district wherein such person resides or carries on business may, upon the petition of the department, agency, officer, or instrumentality of the United States utilized by the President to carry out the provisions of this section, issue an order requiring such person to appear and to produce books, papers, or other documents, if so ordered, or to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. Any process in any such case may be served in the judicial district wherein such person resides or wherever he may be found.

"(c) As used in this section

"(1) the term 'waterfront facility' means all piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to such structures, and equipment and materials on such structures or in such buildings;

"(2) the term 'United States', when used in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States;

"(3) the term 'Communist Party' means the Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any

State, district, Commonwealth, or possession thereof, or the government of any political subdivision therein by force and violence, and includes subsidiary organizations of such party;

"(4) the phrase 'Fascist Party, or other subversive party' means any party, other than the Communist Party, regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, district, Commonwealth, or possession thereof, or the government of any political subdivision therein by force and violence, and includes subsidiary organizations of such party; and

"(5) the term 'Federal agency' means any department, independent establishment, or other agency or instrumentality of the executive branch of the Government of the United States, and any congressional committee or subcommittee."

Mr. WALTER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER of Pennsylvania: On page 1, line 4, after "Act of" strike out "1960" and insert "1961".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### OUTDOOR RECREATION RESOURCES REVIEW COMMISSION

The Clerk called the bill (H.R. 2204) to extend the time in which the Outdoor Recreation Resources Review Commission shall submit its final report.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WEAVER. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Colorado [Mr. ASPINALL] how much money was originally budgeted for this item and what the financial status is of this commission?

Mr. ASPINALL. As I recall, it was authorized an appropriation of \$2,500,000. The money has not been completely used. No other money has been requested in this legislation. All this bill now under discussion does is permit the extension by a few months of the time in which to file a report. That is all that is involved.

Mr. WEAVER. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that an identical Senate bill, S. 449, be considered in lieu of the House bill.

There being no objection, the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6(c) of the Act entitled "An Act for the establishment of a National Outdoor Recreation Resources Review Commission to study the outdoor recreation resources of the public lands and other land and water areas of the United States, and for other purposes," approved June 28, 1958 (72 Stat. 238), is amended to read as follows: "The Commission shall present not later than January 31, 1962, a report of its review, a compilation of its data, and its recommendations on a State by State, region by region,*

and national basis to the President and to the Congress, and shall cease to exist not later than September 1, 1962."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2204) was laid on the table.

#### AMENDMENT OF FEDERAL INSECTICIDE ACT

The Clerk called the bill (H.R. 4662) to amend the transitional provisions of the act approved August 7, 1959, entitled "Nematocide, Plant Regulator, Defoliant, Desiccant Amendment of 1959."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1028, be considered in lieu of the House bill.

There being no objection, the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of section 3 of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139, 73 Stat. 286, 287) is amended by deleting the comma and the word "or" appearing at the end of clause (1) and adding at the end of such clause a colon and the following: "Provided, That with respect to any nematocide, plant regulator, defoliant, or desiccant whose use results in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, the Secretary may prescribe a date beyond March 5, 1961, on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships: Provided further, That such date shall not be extended beyond (i) the date on which an order with respect to the use of such product under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) becomes effective or (ii) the date on which any extension granted under paragraph (b) of this section is terminated, or".*

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4662) was laid on the table.

#### MUSTERING-OUT PAYMENTS

The Clerk called the bill (H.R. 859) to repeal chapter 43 of title 38, United States Code.

Mr. PELLY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### SPECIAL DIVIDENDS FOR CERTAIN NSLI POLICYHOLDERS

The Clerk called the bill (H.R. 4539) to amend section 723 of title 38 of the United States Code to provide for immediate payment of dividends on in-





**Public Law 87-10  
87th Congress, S. 1028  
March 29, 1961**

**AN ACT**

**75 STAT. 18.**

To amend the transitional provisions of the Act approved August 7, 1959, entitled "Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of section 3 of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 (Public Law 86-139, 73 Stat. 286, 287) is amended by deleting the comma and the word "or" appearing at the end of clause (1) and adding at the end of such clause a colon and the following: "Provided, That with respect to any nematocide, plant regulator, defoliant, or desiccant whose use results in residue remaining in or on a food at the time of introduction into interstate commerce and which use had commercial application prior to January 1, 1958, the Secretary may prescribe a date beyond March 5, 1961, on the basis of a determination that such action will not be unduly detrimental to the public interest and is necessary to avoid hardships: Provided further, That such date shall not be extended beyond (i) the date on which an order with respect to the use of such product under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) becomes effective or (ii) the date on which any extension granted under paragraph (b) of this section is terminated, or".*

Nematocide,  
Plant Regula-  
tor, Defoliant,  
and Desiccant  
Amendment of  
1959, amend-  
ment.  
7 USC 135 note.

68 Stat. 511.

**Approved March 29, 1961.**

